

## Article - Public Utilities

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§7–210.

(a) This section does not apply to Baltimore City.

(b) (1) A municipal corporation may not build, maintain, or operate a plant for supplying gas or electricity for other than municipal purposes unless the municipal corporation has a certificate of authority from the Commission.

(2) If the Commission denies the certificate of authority, the municipal corporation may not reapply for a certificate until at least 6 months have elapsed from the date that the Commission denied the previous application.

(c) Subject to subsection (b) of this section, a municipal corporation in the business of supplying electricity for other than municipal purposes may own or finance an interest in an electric plant to secure an entitlement of electricity for its customers.

(d) If the boundaries of a municipal corporation are enlarged by annexation, the municipal corporation may acquire the exclusive right to supply electricity within the annexed area if:

(1) the municipal corporation:

(i) files a petition with the Commission seeking approval to acquire the exclusive right to supply electricity within the annexed area;

(ii) provides a copy of the petition to each electric company whose service territory or electric plant will be affected by the annexation; and

(iii) attaches to the petition a copy of the amendment to the municipal corporation charter that describes the area annexed and a description of the service territory, plant, equipment, and customers of each electric company that is likely to be affected by the annexation; and

(2) the Commission determines that modification of the service territory of an electric company and the transfer of a franchise or right under the franchise is in the public interest.

(e) (1) A municipal corporation that acquires the exclusive right under subsection (d) of this section to supply electricity within an area annexed by the

municipal corporation may exercise the right of eminent domain to acquire the existing installed facilities of each electric company within the annexed area that are used solely to supply electricity to the annexed area.

(2) The value of any property taken under paragraph (1) of this subsection shall be determined as of the date of the taking.

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